

## **RESOLUTION NO. 644**

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A PROPOSED AMENDMENT TO THE CANBY CITY CHARTER SUBMITTED TO THE VOTERS BY THE COMMON COUNCIL REQUIRING A VOTE ON ALL FUTURE ANNEXATIONS, INCLUDING DELAYED, UNLESS OTHERWISE MANDATED BY LAW, TO THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE NOVEMBER 4, 1997 GENERAL ELECTION.**

**WHEREAS**, citizens of the City of Canby have indicated an interest in requiring all future annexations of property into the City be approved by a majority vote of the people; and

**WHEREAS**, the Canby City Council likewise is desirous of allowing voter-approved annexations for all future annexations into the City of Canby; and

**WHEREAS**, in order to establish voter-approved annexation, the Canby City Charter must be amended pursuant to Canby Municipal Code Section 1.12.080., and must conform to the requirements of Canby Municipal Code Section 1.12.100;

**WHEREAS**, pursuant to the Canby Municipal Code Sections cited above, the matter has been placed before the City Council for action;


**NOW THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Canby, as follows:

1. In accordance with the Canby Municipal Code, the next available general election is November 4, 1997. This must be certified to the Clackamas County Clerk no later than September 4, 1997.
2. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the November 4, 1997 general election, the ballot measure, proposing an amendment to the Canby City Charter requiring a vote of the registered voters to consent to the annexation of any property to the City of Canby, unless mandated by state law. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.

3. The City Recorder of the City of Canby is hereby authorized and directed to prepare an explanation to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. The City Attorney shall review the explanation and approve it before submission to the Clackamas County Clerk.

4 The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 4, 1997 general election.

ADOPTED this 6th day of August, 1997, by the Canby City Council.

  
Scott Taylor, Mayor

ATTEST:



Marilyn K. Perkett, City Recorder

## **NOTICE OF CITY MEASURE ELECTION**

### **CITY OF CANBY**

Notice is hereby given that on Tuesday, November 4, 1997, an election will be held at the polls in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

#### **CAPTION: MEASURE REQUIRING A CITY WIDE VOTE ON ALL ANNEXATIONS**

**QUESTION:** SHALL ALL FUTURE ANNEXATIONS, INCLUDING DELAYED, UNLESS MANDATED BY LAW, REQUIRE A MAJORITY VOTE OF THE ELECTORS TO BE VALID?

**SUMMARY:** Annexation is the legal process to bring property inside the City limits. Under current law, all annexation requests are approved or disapproved by the City Council. This proposal would change that and amend the City Charter to require that an annexation request must be voted on by the citizens of Canby, and receive a majority vote, before such request is approved. The request would still have to meet all land use laws.

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The following authorized local government official hereby certifies that the above ballot title is true and complete.

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Marilyn Perkett, City Recorder

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Date Signed

## EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

### MEASURE REQUIRING A CITY WIDE VOTE ON ALL ANNEXATIONS

Measure No. \_\_\_\_\_

Word Total 350 (500 max)

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This measure would amend the Canby City Charter to require that all annexations to the City (unless mandated by law), be approved by a majority vote of the electors of the City. The exact text of the Charter amendment would be as follows:

“Chapter I, NAMES AND BOUNDARIES, Section 3:

Section 3. BOUNDARIES. **The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by a majority of the voters. Unless mandated by law, annexations, delayed or otherwise, to the City of Canby, may only be approved by a majority vote among the electorate.** The Recorder shall keep at the City Hall at least two copies of this Charter in each of which shall be maintained an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder.” (All amended portions are in **bold**).

Presently, the State law provides for methods by which the City can annex territory into the City. Traditionally, the City has annexed territory into the City with the consent of the property owner and the passage of an Ordinance by the City Council. The request for annexation, if approved by the Council, is thereafter forwarded to the Portland Metropolitan Local Government Boundary Commission (PMLGBC) with a recommendation for approval by the PMLGBC. The application did not have to be submitted to a vote of the people of the City. This amendment to the Canby City Charter would require the City to submit the matter to a vote of the electors of the City if the City or PMLGBC approves the application. In order for the territory to be annexed, there would have to be a favorable vote by a majority of the electors voting in the election. This amendment specifically states that it includes “annexations, delayed or otherwise”. It is the intention that it includes all types of annexations, including contractual agreements to annex. The provision specifically excludes any annexations mandated by State law, such as for a health hazard.

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CITY OF CANBY

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Marilyn Perkett, Canby City Recorder

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Date